

**Introduced by Senator Kuehl**

February 23, 2006

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An act to amend Sections 104, 710, 710.5, 710.7, 711, 711.2, and 711.4 of, to add Sections 106, 703.1, and 8040.1 to, to repeal Sections 208 and 209 of, and to repeal and add Sections 206 and 207 of, the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

SB 1535, as introduced, Kuehl. Fish and game.

(1) The California Constitution creates the Fish and Game Commission. Existing law establishes the commission in the Resources Agency to perform specified functions. Existing law permits the commission to employ a secretary, and to hold specified meetings relating to commission regulations as to fish, amphibians, reptiles, mammals, and resident game birds.

This bill would permit the commission to employ a staff, including an executive director, to assist the commission in conducting its operations. The bill would require the commission to adopt and approve a conflict of interest code, and would prohibit a former commissioner to act as an agent or attorney for any person for a period of 12 months after leaving office, as provided. The bill would delete the requirement that the commission hold specified meetings relating to commission regulations as to fish, amphibians, reptiles, mammals, and resident game birds, and instead would require the commission to hold no fewer than 10 regular meetings per calendar year. The bill would permit the commission to hold special meetings or hearings to receive additional input from the department and the public. The bill would require the commission to consider and adopt specified regulations relating to birds, mammals, fish, amphibia, and reptiles at a series of no fewer than 3 meetings, as provided.

(2) Existing law establishes the Department of Fish and Game in the Resources Agency, administered through the Director of Fish and Game. Existing law requires the department to impose and collect a filing fee to defray the costs of managing and protecting fish and wildlife trust resources, and specifies the amount to be levied. Existing law also makes various findings and declarations relating to lack of department funding, user fees, and funding instability.

This bill would require the department to take all steps necessary to implement the California Comprehensive Wildlife Conservation Strategy, and would require the department to update the strategy every 5 years and report, on or before January 1, 2008, and biennially thereafter, to the Legislature on the progress of implementing the strategy. The bill would increase the amounts of filing fees collected by the department, and require the department to adjust the fees annually according to a specified index. The bill would exempt fees for certain projects undertaken by the department payable from the California Ocean Resource Enhancement Account. The bill would require the director and the Secretary of the Resources Agency to submit a report relating to all sub-accounts within the Fish and Game Preservation Fund, and require the department to update its cost-allocation plan to reflect the cost of program activities. The bill would require the county clerk of each county and the Office of Planning and Research to maintain an electronic and paper record of all environmental documents received, as provided. The bill would also modify various findings and declarations relating to lack of department funding, user fees, and funding instability, and would make Legislative findings and declarations relating to commercial landing fees and wildlife conservation.

(3) Existing law generally provides that a violation of regulations and laws relating to fish and game is a crime.

Because this bill would create new crimes by prohibiting former commissioners to perform specified functions, the bill would thereby create a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 104 of the Fish and Game Code is  
2 amended to read:

3 104. The commission may employ a ~~secretary staff, including~~  
4 ~~an executive director, to assist the commission in conducting its~~  
5 ~~operations, but neither the commission nor such secretary its~~  
6 ~~staff shall have or be given any powers in relation to the~~  
7 ~~administration of the department.~~

8 SEC. 2. Section 106 is added to the Fish and Game Code, to  
9 read:

10 106. (a) The commission shall adopt and approve a Conflict  
11 of Interest Code pursuant to Article 3 (commencing with Section  
12 87300) of Chapter 7 of Title 9 of the Government Code.

13 (b) For a period of 12 months after leaving office, a former  
14 commissioner shall be prohibited from acting as an agent or  
15 attorney for, or otherwise representing, any person before the  
16 commission by making any formal or informal appearance  
17 before, or any oral or written communication to, the commission.

18 SEC. 3. Section 206 of the Fish and Game Code is repealed.

19 ~~206. (a) In addition to, or in conjunction with, other regular~~  
20 ~~or special meetings, the commission shall, at least every three~~  
21 ~~years, hold meetings in the first 10 days of August, October,~~  
22 ~~November, and December for the purpose of considering and~~  
23 ~~adopting revisions to regulations relating to fish, amphibians, and~~  
24 ~~reptiles. The commission shall alternate the locations of the~~  
25 ~~August and December meetings between Los Angeles or Long~~  
26 ~~Beach and Sacramento, and the October and November meetings~~  
27 ~~between San Diego and Redding or Red Bluff.~~

28 ~~(b) At the August meeting, the commission shall receive~~  
29 ~~recommendations for regulations from its own members and~~  
30 ~~staff, the department, other public agencies, and the public.~~

31 ~~(c) At the October and November meetings, the commission~~  
32 ~~shall devote time for open public discussion of proposed~~  
33 ~~regulations presented at the August meeting. The department~~  
34 ~~shall participate in this discussion by reviewing and presenting its~~  
35 ~~findings regarding each regulation proposed by the public and by~~

1 ~~responding to objections raised pertaining to its proposed~~  
2 ~~regulations. After considering the public discussion, the~~  
3 ~~commission shall announce, prior to adjournment of the~~  
4 ~~November meeting, the regulations it intends to add, amend, or~~  
5 ~~repeal relating to fish, amphibians, and reptiles.~~

6 ~~(d) At the December meeting, the commission may choose to~~  
7 ~~hear additional public discussion regarding the regulations it~~  
8 ~~intends to adopt. At, or within 20 days after, the meeting, the~~  
9 ~~commission shall add, amend, or repeal regulations relating to~~  
10 ~~any recommendation received at the August meeting regarding~~  
11 ~~fish, amphibians, and reptiles it deems necessary to preserve,~~  
12 ~~properly utilize, and maintain each species or subspecies.~~

13 ~~(e) Within 45 days after adoption, the department shall publish~~  
14 ~~and distribute regulations adopted pursuant to this section.~~

15 SEC. 4. Section 206 is added to the Fish and Game Code, to  
16 read:

17 206. (a) The commission shall hold no fewer than ten regular  
18 meetings per calendar year. The commission may also hold  
19 special meetings or hearings to receive additional input from the  
20 department and the public.

21 (b) The commission shall announce the dates and locations of  
22 meetings for the year by January 1st of that year, or 30 days prior  
23 to the first meeting, whichever comes first. Meeting locations  
24 shall be accessible to the public and located throughout the state,  
25 with no more than two regular meetings to be held in Sacramento  
26 per year. To the extent feasible, meetings shall be held in state  
27 facilities. In setting the dates and locations for regular meetings,  
28 the commission shall also consider the following factors:

29 (1) Recommendations of the department.

30 (2) Opening and closing dates of fishing and hunting seasons.

31 (3) The schedules of other state and federal regulatory  
32 agencies whose regulations affect the management of fish and  
33 wildlife of this state.

34 (c) The commission shall cause the notice of the schedule for  
35 regular meetings, and notice of any change in the date and  
36 location of a meeting, to be disseminated to the public in a  
37 manner that will result in broad dissemination, including, but not  
38 limited to, electronic distribution, mailings to interested parties,  
39 and publication in local newspapers of affected communities.

40 SEC. 5. Section 207 of the Fish and Game Code is repealed.

1     ~~207. (a) In addition to, or in conjunction with, other regular~~  
2 ~~or special meetings, the commission shall hold meetings in the~~  
3 ~~first 10 days of the months of February, March, and April at least~~  
4 ~~once every three years for the purpose of considering and~~  
5 ~~adopting revisions to regulations relating to mammals. The~~  
6 ~~commission shall alternate the location of the February meeting~~  
7 ~~between Sacramento and Los Angeles or Long Beach. The~~  
8 ~~commission shall alternate the location of the March meeting~~  
9 ~~between San Diego and Redding or Red Bluff. The commission~~  
10 ~~shall alternate the location of the April meeting between~~  
11 ~~Sacramento and Los Angeles or Long Beach.~~

12     ~~(b) At the February meeting, the commission shall receive~~  
13 ~~recommendations for regulations from its own members and~~  
14 ~~staff, the department, other public agencies, and the public.~~

15     ~~(c) At the March meeting, the commission shall devote time~~  
16 ~~for open public discussion of proposed regulations presented at~~  
17 ~~the February meeting. The department shall participate in this~~  
18 ~~discussion by reviewing and presenting its findings regarding~~  
19 ~~each regulation proposed by the public and by responding to~~  
20 ~~objections raised pertaining to its proposed regulations. After~~  
21 ~~considering the public discussion, the commission shall~~  
22 ~~announce, prior to adjournment of the March meeting, the~~  
23 ~~regulations it intends to add, amend, or repeal relating to~~  
24 ~~mammals.~~

25     ~~(d) At, or within 20 days after, the April meeting, the~~  
26 ~~commission may choose to hear additional public discussion~~  
27 ~~regarding the regulations it intends to adopt. At, or within 20~~  
28 ~~days after, the meeting, the commission shall add, amend, or~~  
29 ~~repeal regulations relating to any recommendations received at~~  
30 ~~the February meeting regarding mammals that it deems necessary~~  
31 ~~to preserve, properly utilize, and maintain each species or~~  
32 ~~subspecies.~~

33     ~~(e) Within 45 days after adoption, the department shall publish~~  
34 ~~and distribute regulations adopted pursuant to this section.~~

35     SEC. 6. Section 207 is added to the Fish and Game Code, to  
36 read:

37     207. (a) Except for emergency regulations, the commission  
38 shall consider and adopt regulations pursuant to Sections 203 and  
39 205 at a series of no fewer than three meetings. These meetings  
40 may be regular or special meetings that are duly noticed to the

1 public in accordance with subdivision (c) of Section 206 and the  
2 Administrative Procedure Act.

3 (b) At the first meeting, the commission shall receive  
4 recommendations for regulations from its own members and  
5 staff, the department, other public agencies, and the public.

6 (c) At the second meeting, the commission shall devote time  
7 for open public discussion of proposed regulations presented at  
8 the first meeting. The department shall participate in this  
9 discussion by reviewing and presenting its findings regarding  
10 each regulation proposed by the public and by responding to  
11 objections raised pertaining to its proposed regulations. After  
12 considering the public discussion, the commission shall  
13 announce, prior to adjournment of the meeting, the regulations it  
14 intends to add, amend, or repeal.

15 (d) At the third meeting, the commission may choose to hear  
16 additional public discussion regarding the regulations it intends  
17 to adopt. At the meeting or within 20 days after the meeting, the  
18 commission shall add, amend, or repeal regulations relating to  
19 any recommendation received at the initial meeting it deems  
20 necessary to preserve, properly utilize, and maintain each species  
21 or subspecies.

22 (e) Within 45 days after adoption, the department shall publish  
23 and distribute regulations adopted pursuant to this section.

24 SEC. 7. Section 208 of the Fish and Game Code is repealed.

25 ~~208. (a) In addition to, or in conjunction with, other regular~~  
26 ~~or special meetings, the commission shall hold meetings in June~~  
27 ~~and August at least once every three years for the purpose of~~  
28 ~~considering and adopting revisions to regulations relating to~~  
29 ~~resident game birds.~~

30 ~~(b) At the June meeting, the commission shall receive~~  
31 ~~recommendations for regulations from its own members and~~  
32 ~~staff, the department, other public agencies, and the public.~~

33 ~~(c) At, or within 20 days after, the August meeting, the~~  
34 ~~commission shall devote time for open public discussion of~~  
35 ~~proposed regulations presented at the June meeting. The~~  
36 ~~department shall participate in this discussion by reviewing and~~  
37 ~~presenting its findings regarding each regulation proposed by the~~  
38 ~~public and by responding to objections raised pertaining to its~~  
39 ~~proposed regulations. After considering the public discussion, the~~  
40 ~~commission, at, or within 20 days after, the August meeting,~~

1 ~~shall add, amend, or repeal regulations relating to any~~  
2 ~~recommendation received at the June meeting regarding resident~~  
3 ~~game birds that it deems necessary to preserve, properly utilize,~~  
4 ~~and maintain each species or subspecies.~~

5 ~~(d) Within 45 days after adoption, the department shall publish~~  
6 ~~and distribute regulations adopted pursuant to this section.~~

7 SEC. 8. Section 209 of the Fish and Game Code is repealed.

8 ~~209. (a) The commission shall determine and give notice of~~  
9 ~~the date and location of the first meeting required to be held~~  
10 ~~during a year by Sections 206, 207, and 208 at least 60 days prior~~  
11 ~~to that first meeting. The commission shall give notice of any~~  
12 ~~change in the date or location of that first meeting at least 30~~  
13 ~~days prior to the meeting date.~~

14 ~~(b) The commission shall cause to be published the notice~~  
15 ~~required in subdivision (a) in each newspaper of general~~  
16 ~~circulation, as defined in Section 6000 of the Government Code,~~  
17 ~~with an average daily circulation of 50,000 or more.~~

18 ~~(c) The commission shall set the dates of its meetings in order~~  
19 ~~to provide maximum time for public review of proposed~~  
20 ~~regulations consistent with the proper management of the species~~  
21 ~~or subspecies affected. All meetings required by Sections 206,~~  
22 ~~207, and 208 shall be open to the public and, to the extent~~  
23 ~~feasible, held in state facilities.~~

24 SEC. 9. Section 703.1 is added to the Fish and Game Code, to  
25 read:

26 703.1. (a) The Legislature finds and declares the following:

27 (1) In 2000, Congress enacted the State Wildlife Grants  
28 Program to support state programs that broadly benefit wildlife  
29 and habitats, particularly species having the greatest need for  
30 conservation.

31 (2) As a requirement of receiving federal funding under this  
32 program, the department agreed to submit a comprehensive  
33 wildlife conservation strategy or a wildlife action plan to the  
34 United States Fish and Wildlife Service.

35 (3) Congress intended that the wildlife conservation strategies  
36 developed by state fish and wildlife agencies guide future  
37 wildlife conservation actions by these state agencies.

38 (4) The department faces increasing responsibilities to  
39 conserve nongame wildlife with limited resources.

(5) The California Comprehensive Wildlife Action Plan provides the department the opportunity to prioritize its nongame wildlife conservation actions.

(b) The department shall take all steps necessary to implement the California Wildlife Conservation Strategy. This strategy shall be updated every five years. On or before January 1, 2008, and on or before January 1 biennially thereafter, the department shall report to the Legislature on the progress of implementing this strategy.

SEC. 10. Section 710 of the Fish and Game Code is amended to read:

710. The Legislature finds and declares that the department has in the past not been ~~properly~~ *adequately* funded *to meet its mandates*. The principal cause has been the fixed nature of the department's revenues in contrast ~~to~~ *with the* rising costs resulting from inflation, *the increased burden on the department to carry out its public trust responsibilities, and additional responsibilities placed on the department by the Legislature*. This lack of funding has prevented proper planning and manpower allocation. The lack of funding has required the department to restrict warden enforcement and to defer ~~essential repairs to fish hatcheries and other facilities~~ *essential management of lands acquired for wildlife conservation*. The lack of ~~secure~~ funding for ~~fish and~~ *wildlife conservation* activities other than sport and commercial fishing and hunting activities has resulted in inadequate ~~nongame fish~~ *wildlife and habitat conservation* and wildlife protection programs.

SEC. 11. Section 710.5 of the Fish and Game Code is amended to read:

710.5. (a) The Legislature finds and declares that the department continues to ~~not be properly~~ *inadequately* funded *to meet its mandates*. While revenues have been declining, the department's responsibilities have ~~been expanding into numerous new areas~~ *increased in order to protect public trust resources in the face of increasing population and resource conservation demands*. ~~The existing limitations on the expenditure of department revenues have been limited due to a failure to maximize non-game user fees and inadequate non-fee related funding. The limited department revenues have resulted in its the inability of the department to effectively provide all of the~~



1 programs and activities required under this code and to manage  
2 the wildlife resources held in trust by the department for the  
3 people of the state.

4 (b) The Legislature further finds and declares that the  
5 department has been largely supported by fees paid by those who  
6 utilize the resources held in trust by the department. It is the  
7 intent of the Legislature that, to the extent feasible, the  
8 department should continue to be funded by user fees. ~~However,~~  
9 ~~user fees should more accurately reflect all costs of the~~  
10 ~~department associated with these resources.~~ All fees collected by  
11 the department, including, but not limited to, recreational hunting  
12 and fishing licenses, *landing taxes*, commercial *licenses*, permits  
13 and entitlements, and other fees for use of the resources regulated  
14 or managed by the department, are user fees. To the extent that  
15 these fees are appropriated through the Budget Act for the  
16 purposes for which they are collected to provide services to the  
17 people of the State of California, these user fees are not subject to  
18 Article XIII B of the California Constitution.

19 (c) *The Legislature further finds and declares that user fees*  
20 *are not sufficient to fund all of the department's mandates. To*  
21 *fulfill its mandates, the department must secure a significant*  
22 *increase in reliable funding, in addition to user fees.*

23 SEC. 12. Section 710.7 of the Fish and Game Code is  
24 amended to read:

25 710.7. (a) The Legislature finds and declares all of the  
26 following:

27 (1) The department continues to face serious funding  
28 instability due to revenue declines from traditional user fees and  
29 taxes and the addition of new *and expanded* program  
30 responsibilities.

31 (2) Historically, the *recreational and* commercial fishing  
32 industry has funded much of the department's marine fisheries  
33 activities.

34 (3) As the state's population grows and *development changes*  
35 ~~historic land uses change through urban development~~, fish and  
36 wildlife ~~resources~~ continue to be depleted, necessitating a  
37 significant portion of the department's activities to be directed  
38 toward protecting fish and wildlife ~~resources~~ for the benefit of  
39 the ~~general public~~ *people of the state*.

(b) It is the intent of the Legislature to extend the current user-based funding system by allocating a portion of the marine resource protection costs to those who use and benefit from ~~wise management~~ *recreational and commercial use* of the marine fishery resources.

(c) It is the Legislature's intent that, notwithstanding Section 711, the department shall cooperate with the Legislature and the commercial fishing industry to identify and propose new alternative sources of revenue to fund the department's necessary ~~marine resource management~~ *conservation, restoration, and resources management*, and protection responsibilities.

(d) *It is further the intent of the Legislature to identify new funding sources and to secure those sources to adequately fund the department's activities directed at protecting wildlife for the people of the state.*

SEC. 13. Section 711 of the Fish and Game Code is amended to read:

711. (a) It is the intent of the Legislature to ensure adequate funding from appropriate sources for the department. To this end, the Legislature finds and declares that:

~~(a)~~  
(1) The costs of nongame fish and wildlife programs ~~and free hunting and fishing license programs~~ shall be provided annually in the Budget Act by appropriating money from the General Fund, *through non-game user fees*, and sources other than the Fish and Game Preservation Fund to the department for these purposes.

~~(b)~~  
(2) The costs of commercial fishing programs shall be provided out of revenues from commercial fishing taxes, license fees, and other revenues, from reimbursements and federal funds received for commercial fishing programs, and other funds appropriated by the Legislature for this purpose.

~~(c)~~  
(3) The costs of hunting and sportfishing programs shall be provided out of hunting and sportfishing revenues and reimbursements and federal funds received for hunting and sportfishing programs, and other funds appropriated by the Legislature for this purpose. These revenues, reimbursements, and federal funds shall not be used to support commercial fishing

1 programs, free hunting and fishing license programs, or nongame  
2 fish and wildlife programs.

3 ~~(d)~~

4 (4) The costs of managing lands managed by the department  
5 and the costs of wildlife management programs shall be  
6 supplemented out of revenues in the Native Species Conservation  
7 and Enhancement Account in the Fish and Game Preservation  
8 Fund.

9 ~~(e) The department shall conduct, or contract for, a review, at  
10 least every five years, of its programs to ensure consistency with  
11 this section.~~

12 ~~(f)~~

13 (5) Hunting, sportfishing, and sport ocean fishing license fees  
14 shall be adjusted annually to an amount equal to that computed  
15 pursuant to Section 713. However, a substantial increase in the  
16 aggregate of hunting and sportfishing programs shall be reflected  
17 by appropriate amendments to the sections of this code that  
18 establish the base sport license fee levels. The inflationary index  
19 provided in Section 713 may not be used to accommodate a  
20 substantial increase in the aggregate of hunting and sportfishing  
21 programs.

22 *(b) The director and the Secretary of the Resources Agency  
23 shall, with the department's annual budget submittal to the  
24 Legislature, submit a report on the fund condition, including the  
25 expenditures and revenue, for all sub-accounts within the Fish  
26 and Game Preservation Fund. The department shall also update  
27 its cost-allocation plan to reflect the costs of program activities.*

28 (c) For purposes of this article, "substantial increase" means  
29 an increase in excess of 5 percent of the Fish and Game  
30 Preservation Fund portion of the department's current year  
31 support budget, excluding cost-of-living increases provided for  
32 salaries, staff benefits, and operating expenses.

33 SEC. 14. Section 711.2 of the Fish and Game Code is  
34 amended to read:

35 711.2. (a) For purposes of this ~~article~~ *code*, unless the  
36 context otherwise requires, "wildlife" means and includes all  
37 wild animals, birds, plants, fish, amphibians, and related  
38 ecological communities, including the habitat upon which the  
39 wildlife depends for its continued viability and "project" has the

1 same meaning as defined in Section 21065 of the Public  
2 Resources Code.

3 (b) For purposes of this article, “person” includes any  
4 individual, firm, association, organization, partnership, business,  
5 trust, corporation, limited liability company, company, district,  
6 county, city and county, city, town, the state, and any of the  
7 agencies of those entities.

8 SEC. 15. Section 711.4 of the Fish and Game Code is  
9 amended to read:

10 711.4. (a) The department shall impose and collect a filing  
11 fee in the amount prescribed in subdivision (d) to defray the costs  
12 of managing and protecting fish and wildlife trust resources,  
13 including, but not limited to, consulting with other public  
14 agencies, reviewing environmental documents, recommending  
15 mitigation measures, developing monitoring requirements for  
16 purposes of the California Environmental Quality Act (Division  
17 13 (commencing with Section 21000) of the Public Resources  
18 Code), consulting pursuant to Section 21104.2 of the Public  
19 Resources Code, and other activities protecting those trust  
20 resources identified in the review pursuant to the California  
21 Environmental Quality Act.

22 (b) The filing fees shall be proportional to the cost incurred by  
23 the department and shall be annually reviewed and adjustments  
24 recommended to the Legislature in an amount necessary to pay  
25 the full costs of department programs as specified. *The*  
26 *department shall annually adjust the fees pursuant to Section*  
27 *713.*

28 (c) (1) All project applicants and public agencies subject to  
29 the California Environmental Quality Act shall pay a filing fee  
30 for each proposed project, *as specified in subdivision (d).*

31 ~~(2) Notwithstanding paragraph (1), no filing fee shall be paid~~  
32 ~~pursuant to this section if the lead or certified regulatory program~~  
33 ~~agency finds that the project is either of the following:~~

34 ~~(A) Categorically exempt from the California Environmental~~  
35 ~~Quality Act.~~

36 ~~(B) De minimis in its effect on fish and wildlife.~~

37 ~~(3) Notwithstanding paragraph (1), no filing fee shall be paid~~  
38 ~~pursuant to this section if all the following conditions exist:~~

39 ~~(A) The project is being undertaken by the department.~~

(B) The project costs are payable from any of the following sources:

(i) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.

(ii) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.

(iii) The Habitat Conservation Fund.

(iv) The Fisheries Restoration Account in the Fish and Game Preservation Fund.

(v) The Commercial Salmon Stamp Account in the Fish and Game Preservation Fund.

(vi) Striped bass stamp funds collected pursuant to Section 7360.

(vii) *The California Ocean Resource Enhancement Account.*

(C)

(3) The project is implemented through a contract with either a nonprofit entity or a local government agency. The filing fee shall be paid at the time and in the amount specified in subdivision (d). Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code, no project shall be operative, vested, or final, *nor shall local government permits for the project be valid*, until the filing fees required pursuant to this section are paid.

(d) The fees shall be in the following amounts:

~~(1) For a project which is found by the lead or certified regulatory agency to be de minimis in its effect on fish and wildlife, no filing fee shall be paid, whether or not a negative declaration or an environmental impact report is prepared pursuant to the California Environmental Quality Act.~~

~~(2) For a project which is statutorily or categorically exempt from the California Environmental Quality Act, including those certified regulatory programs which incorporate statutory and categorical exemptions, no filing fee shall be paid.~~

~~(3)~~

(2) For a project for which a negative declaration is prepared pursuant to subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one thousand ~~two hundred fifty dollars (\$1,250)~~ *eight hundred dollars (\$1,800)*. The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of that code or to the

1 Office of Planning and Research at the time of filing a notice of  
2 determination pursuant to Section 21108 of that code, as  
3 appropriate.

4 ~~(4)~~

5 (3) For a project with an environmental impact report prepared  
6 pursuant to the California Environmental Quality Act, the filing  
7 fee is ~~eight hundred fifty dollars (\$850)~~ *two thousand five*  
8 *hundred dollars (\$2,500)*. The filing fee shall be paid to the  
9 county clerk at the time of filing a notice of determination  
10 pursuant to Section 21152 of the Public Resources Code or to the  
11 Office of Planning and Research at the time of filing a notice of  
12 determination pursuant to Section 21108 of that code, *as*  
13 *appropriate*.

14 ~~(5)~~

15 (4) For a project ~~which~~ *that* is subject to a certified regulatory  
16 program pursuant to Section 21080.5 of the Public Resources  
17 Code, the filing fee is ~~eight hundred fifty dollars (\$850)~~ *two*  
18 *thousand five hundred dollars (\$2,500)*. The filing fee shall be  
19 paid to the ~~Secretary of the Resources Agency upon~~ *department*  
20 *prior to the* filing of the notice of determination pursuant to  
21 Section 21080.5 of that code. ~~If the filing fee is to be paid by the~~  
22 ~~state lead agency, the payment shall be made pursuant to a~~  
23 ~~memorandum of understanding with the department.~~

24 (e) The county clerk may charge a documentary handling fee  
25 of ~~twenty-five dollars (\$25)~~ *fifty dollars (\$50)* per filing in  
26 addition to the filing fee specified in subdivision (d).

27 (1) The county clerk of each county and the Office of Planning  
28 and Research shall maintain a record, *both electronic and in*  
29 *paper*, of all environmental documents received. The record shall  
30 include, for each environmental document received, the name of  
31 each applicant or lead agency, the document filing number, *the*  
32 *project name as approved by the lead agency*, and the filing date.  
33 The record shall be made available for examination or audit by  
34 authorized personnel of the department during normal business  
35 hours.

36 (2) The filing fee imposed and collected pursuant to  
37 subdivision (d) shall be remitted monthly to the department  
38 within 30 days after the end of each month. *The remittance shall*  
39 *be accompanied with the information required pursuant to*

1 *paragraph (1)*. The amount of fees due shall be reported on  
2 forms prescribed and provided by the department.

3 (3) The department shall assess a penalty of 10 percent of the  
4 amount of fees due for any failure to remit the amount payable  
5 when due. The department may pursue collection of delinquent  
6 fees through the Controller's office pursuant to Section 12419.5  
7 of the Government Code.

8 (f) Notwithstanding Section 12000, failure to pay the fee under  
9 subdivision (d) is not a misdemeanor. All unpaid fees are a  
10 statutory assessment subject to collection under procedures as  
11 provided in the Revenue and Taxation Code.

12 (g) Only one filing fee shall be paid for each project unless the  
13 project is tiered or phased,~~—and~~ *or* separate environmental  
14 documents ~~or review by the department is~~ *are* required.

15 (h) This section does not preclude or modify the duty of the  
16 department to recommend, require, permit, or engage in  
17 mitigation activities pursuant to the California Environmental  
18 Quality Act.

19 (i) The permit process of the California Coastal Commission,  
20 as certified by the Secretary of the Resources Agency, is exempt  
21 from the payment of the filing fees prescribed by paragraph (5)  
22 of subdivision (d) insofar as the permits are issued under any of  
23 the following regulations:

24 (1) Subchapter 4 (commencing with Section 13136) of  
25 Chapter 5 of Division 5.5 of Title 14 of the California Code of  
26 Regulations.

27 (2) Subchapter 1 (commencing with Section 13200),  
28 Subchapter 3 (commencing with Section 13213), Subchapter 3.5  
29 (commencing with Section 13214), Subchapter 4 (commencing  
30 with Section 13215), Subchapter 4.5 (commencing with Section  
31 13238), Subchapter 5 (commencing with Section 13240),  
32 Subchapter 6 (commencing with Section 13250), and Subchapter  
33 8 (commencing with Section 13255) of Chapter 6 of Division 5.5  
34 of Title 14 of the California Code of Regulations.

35 SEC. 16. Section 8040.1 is added to the Fish and Game Code,  
36 to read:

37 8040.1. The Legislature finds and declares all of the  
38 following:

1 (a) It is the policy of the state to manage California's living  
2 marine resources, including its commercial fisheries, for the  
3 benefit of all of the citizens of the state.

4 (b) The current schedule for assessing landings fees from the  
5 commercial fishing industry has not been substantially revised  
6 since 1987, does not reflect the value of fish landed, and in most  
7 years the fees collected do not cover department costs associated  
8 with the management of commercial fisheries.

9 (c) In order to cover these costs, the department has had to  
10 increase fees for permits and stamps and borrow from other  
11 funds. Insufficient revenue has prevented the department from  
12 implementing the laws of the state, including the Marine Life  
13 Management Act.

14 (d) The states of Oregon and Washington, among others,  
15 determine commercial fish landing fees on an ad valorem basis  
16 that more equitably and accurately reflects the value of the  
17 fishery and provides an appropriate return to the citizens of the  
18 state for the use of a public resource. California's adoption of an  
19 ad valorem system would help to establish consistency among  
20 the Pacific coastal states, and provide the state with revenue  
21 necessary for the management of commercial fisheries.

22 (e) It is therefore the intent of the Legislature to revise the  
23 schedule of commercial landing fees so that fees may be  
24 collected in a more equitable manner, in accordance with the  
25 value of the fisheries, that provides for the sustainable  
26 management of California's living marine resources.

27 SEC. 17. No reimbursement is required by this act pursuant  
28 to Section 6 of Article XIII B of the California Constitution  
29 because the only costs that may be incurred by a local agency or  
30 school district will be incurred because this act creates a new  
31 crime or infraction, eliminates a crime or infraction, or changes  
32 the penalty for a crime or infraction, within the meaning of  
33 Section 17556 of the Government Code, or changes the  
34 definition of a crime within the meaning of Section 6 of Article  
35 XIII B of the California Constitution.